

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certification under 37 CFR §1.10 (*if applicable*)

EV 336 039 956 US

Express Mail Label Number

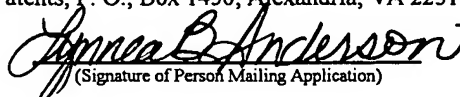
September 22, 2003

Date of Deposit

I hereby certify that this Transmittal Letter, enclosed application and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date above and addressed to the Commissioner for Patents, P. O., Box 1450, Alexandria, VA 22313-1450.

Lynnea B. Anderson

(Print Name of Person Mailing Application)


(Signature of Person Mailing Application)

Transmittal of Continuation Patent Application for Filing Under 37 CFR §1.53(b)

Mail Stop Continuation Patent Application

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir: Transmitted herewith for filing is a patent application by inventors: Steven A. Daniel, Daniel J. Balbierz, Robert D. Russell, Robert Pearson, Andres Temayo, Takehiti Jimbo, and Karen Frischmeyer, and entitled:

Bone-Treatment Instrument and Method

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ A copy of an executed Declaration of Inventorship from parent application no. 10/044,081.
- ☒ A Preliminary Amendment.
- ☒ One utility patent application containing text pages 1-63 and 31 sheets of drawings.

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☒ Please cancel original claims 24-26, inclusive, before calculating the filing fee.

3. Extension of Time

- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. U.S. Priority

- ☒ This application is a continuation of U.S. Serial No. 10/044,081 filed January 11, 2002, which claims the benefit of U.S. provisional patent application Serial No. 60/261,297 filed January 11, 2001, now abandoned. All applications are hereby incorporated by reference herein in their entirety.

5. Prior Documents Still In Effect

- ☒ This application and parent application, Application No. 10/044,081, filed January 11, 2002 are assigned of record to RITA Medical Systems, Inc. as recorded in the U.S. Patent and Trademark Office at Reel 012767 and Frame 0569 on March 26, 2002.

6. Entity Status

- ☐ Large entity status applies to this application.
☒ Applicant claims Small entity status. See 37 CFR §1.27

7. Fees

The filing fee has been calculated taking into account any amendments in section 2 above:

For:	(Col. 1) No. Filed	(Col. 2) No. Extra	Small Entity			Other Than a Small Entity	
			Rate	Fee		Rate	Fee
Basic Fee				\$375.00	or		\$750.00
Total Claims	23 - 20	3	3 x \$ 9 =	\$ 27.00	or	* x \$ 18 =	\$
Independent Claims	2 - 3	0	0 x \$42 =	\$ 00.00	or	* x \$ 84 =	\$
<input type="checkbox"/> Multiple Dependent Claim Presented			+ \$140 =	\$	or	+ \$280 =	\$
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$402.00	or	TOTAL	\$

- ☒ Please charge Deposit Account No. 50-2207 for the filing fee due (\$402). The Commissioner is hereby authorized to charge any deficiency in fees under 37 CFR 1.16 and 1.17 to Deposit Account 50-2207.

Respectfully submitted,

Jacqueline F. Mahoney

Jacqueline F. Mahoney
 Registration No. 48,390

Date: Sept. 22, 2003

Correspondence Address:

Customer No. 22918
 Phone: 650 838-4410